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**SENATE BILL NO. 1289**

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend and reenact §§ 2.2-419, 2.2-426, 2.2-428, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3131, 30-101, 30-103.1, 30-110, 30-111, 30-123, 30-124, 30-127, and 30-129.1 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2545, and to repeal §§ 30-112 through 30-119 and Chapter 56 (§§ 30-355 through 30-358) of Title 30 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; Virginia Independent Commission on Ethics established; penalty.*

Patron—Ebbin

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 2.2-419, 2.2-426, 2.2-428, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3131, 30-101, 30-103.1, 30-110, 30-111, 30-123, 30-124, 30-127, and 30-129.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-2537 through 2.2-2545, as follows:

**§ 2.2-419. Definitions.**

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or

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59 official of legislation or executive orders issued by the Governor.

60 "Executive agency" means an agency, board, commission, or other body in the executive branch of  
61 state government. "Executive agency" includes the State Corporation Commission, the Virginia Workers'  
62 Compensation Commission, and the Virginia Lottery.

63 "Executive official" means:

- 64 1. The Governor;
- 65 2. The Lieutenant Governor;
- 66 3. The Attorney General;
- 67 4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a  
68 clerical or secretarial employee;
- 69 5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each  
70 executive agency; or
- 71 6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100,  
72 however selected.

73 "Expenditure" means:

- 74 1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third  
75 party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything  
76 of value for any purpose;
- 77 2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person  
78 employing, retaining, or contracting for the services of the lobbyist separately or jointly with other  
79 persons;
- 80 3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct  
81 payment of expenses incurred at the request or suggestion of the lobbyist;
- 82 4. A payment that directly benefits an executive or legislative official or a member of the official's  
83 immediate family;
- 84 5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses  
85 of an employee for or in connection with direct communication with an executive or legislative official;
- 86 6. A payment for or in connection with soliciting or urging other persons to enter into direct  
87 communication with an executive or legislative official; or
- 88 7. A payment or reimbursement for categories of expenditures required to be reported pursuant to  
89 this chapter.

90 "Expenditure" does not mean a campaign contribution properly received and reported pursuant to  
91 Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

92 "Fair market value" means the price that a good or service would bring between a willing seller and  
93 a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the  
94 actual price paid for the good or service shall be given consideration.

95 "Gift" means anything of value to the extent that a consideration of equal or greater value is not  
96 received.

97 "Gift" does not mean:

- 98 1. Printed informational or promotional material;
- 99 2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or  
100 delivered to a charitable organization and is not claimed as a charitable contribution for federal income  
101 tax purposes;
- 102 3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister,  
103 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of  
104 that individual, if the donor is not acting as the agent or intermediary for someone other than a person  
105 covered by this subdivision; or
- 106 4. A gift of a value of \$50 or less.

107 "Immediate family" means (i) the spouse and (ii) any child ~~who resides~~, *whether or not residing in*  
108 the same household as the executive or legislative official ~~and~~, who is a dependent of the official.

109 "Legislative action" means:

- 110 1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval,  
111 passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion,  
112 report, nomination, appointment, or other matter by the General Assembly or a legislative official;
- 113 2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by  
114 the General Assembly; or
- 115 3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering  
116 amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of  
117 the Governor.

118 "Legislative official" means:

- 119 1. A member or member-elect of the General Assembly;
- 120 2. A member of a committee, subcommittee, commission, or other entity established by and

responsible to the General Assembly or either house of the General Assembly; or

3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or

2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;

2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;

3. The solicitation of an association by its members to influence legislative or executive action; or

4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;

2. An individual who represents an organization, association, or other group for the purpose of lobbying; or

3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;

2. Any school division;

3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or

4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

#### **§ 2.2-426. Lobbyist reporting; penalty.**

A. Each lobbyist shall file with the Virginia ~~Conflict of Interest and Ethics Advisory Council~~ *Independent Commission on Ethics* a separate semiannual report of expenditures, including gifts, for each principal for whom he lobbies by December 15 for the preceding six-month period complete through the last day of October and June 15 for the preceding six-month period complete through the last day of April.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the Virginia ~~Conflict of Interest and Ethics Advisory Council~~ *Independent Commission on Ethics*, which shall be substantially as follows and shall be accompanied by instructions provided by the ~~Council~~ *Commission*.

#### LOBBYIST'S DISCLOSURE STATEMENT

##### PART I:

- (1) PRINCIPAL: \_\_\_\_\_  
 In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a.
- (2a) Name: \_\_\_\_\_

182 (2b) Permanent Business Address: \_\_\_\_\_  
183 (2c) Business Telephone: \_\_\_\_\_  
184 (3) Provide a list of executive and legislative actions (with as  
185 much specificity as possible) for which you lobbied and a  
186 description of activities conducted.  
187 \_\_\_\_\_  
188 \_\_\_\_\_  
189 \_\_\_\_\_  
190 (4) INCORPORATED FILINGS: If you are filing an incorporated  
191 disclosure statement, please complete the following:  
192 Individual filing financial information: \_\_\_\_\_  
193 Individuals to be included in the filing: \_\_\_\_\_  
194 \_\_\_\_\_  
195 (5) Please indicate which schedules will be attached to your  
196 disclosure statement:  
197 [ ] Schedule A: Entertainment Expenses  
198 [ ] Schedule B: Gifts  
199 [ ] Schedule C: Other Expenses  
200 (6) EXPENDITURE TOTALS:  
201 a) ENTERTAINMENT \$ \_\_\_\_\_  
202 b) GIFTS \$ \_\_\_\_\_  
203 c) COMMUNICATIONS \$ \_\_\_\_\_  
204 d) PERSONAL LIVING AND TRAVEL EXPENSES \$ \_\_\_\_\_  
205 e) COMPENSATION OF LOBBYISTS \$ \_\_\_\_\_  
206 f) HONORARIA \$ \_\_\_\_\_  
207 g) OTHER \$ \_\_\_\_\_  
208 TOTAL \$ \_\_\_\_\_  
209 PART II:  
210 (1a) NAME OF LOBBYIST: \_\_\_\_\_  
211 (1b) Permanent Business Address: \_\_\_\_\_  
212 (1c) Business Telephone: \_\_\_\_\_  
213 (2) As a lobbyist, you are (check one)  
214 [ ] EMPLOYED (on the payroll of the principal)  
215 [ ] RETAINED (not on the payroll of the principal, however  
216 compensated)  
217 [ ] NOT COMPENSATED (not compensated; expenses may be reimbursed)  
218 (3) List all lobbyists other than yourself who registered to  
219 represent your principal.  
220 \_\_\_\_\_  
221 \_\_\_\_\_  
222 \_\_\_\_\_  
223 (4) If you selected "EMPLOYED" as your answer to Part II, item 2,  
224 provide your job title.  
225 \_\_\_\_\_  
226 PLEASE NOTE: Some lobbyists are not individually compensated for  
227 lobbying activities. This may occur when several members of a firm  
228 represent a single principal. The principal, in turn, makes a single  
229 payment to the firm. If this describes your situation, do not answer  
230 Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.  
231 (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist?  
232 (If you have job responsibilities other than those involving  
233 lobbying, you may have to prorate to determine the part of your  
234 salary attributable to your lobbying activities.) Transfer your  
235 answer to this item to Part I, item 6e.  
236 (5b) Explain how you arrived at your answer to Part II, item 5a.  
237 \_\_\_\_\_  
238 \_\_\_\_\_

## PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete this section.

(1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

(2) Indicate the total amount paid to your firm, organization, association, corporation or other entity for services rendered. Transfer your answer to this item to Part I, item 6e\_\_\_\_\_

## SCHEDULE A

## ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

Description of Event:

Total Number of Persons Attending:

Names of Legislative and Executive Officials or Members of Their Immediate Families Attending: (List names only if the average value for each person attending the event was greater than \$50.)

Food	\$ _____
Beverages	\$ _____
Transportation of Legislative and Executive Officials or Members of Their Immediate Families	\$ _____
Lodging of Legislative and Executive Officials or Members of Their Immediate Families	\$ _____
Performers, Speakers, Etc.	\$ _____
Displays	\$ _____
Rentals	\$ _____
Service Personnel	\$ _____
Miscellaneous	\$ _____
TOTAL	\$ _____

## SCHEDULE B

## GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, should be itemized below. (Report meals, entertainment and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Name of each  
legislative or  
executive official

295			or member of his	
296			immediate family	Cost of
297	Date	Description	who is a recipient	individual
298	of gift:	of gift:	of a gift:	gift:
299	_____	_____	_____	\$ _____
300	_____	_____	_____	\$ _____
301	_____	_____	_____	\$ _____
302	_____	_____	_____	\$ _____
303	TOTAL COST TO PRINCIPAL			\$ _____

## SCHEDULE C

## OTHER EXPENSES

PLEASE NOTE: This section is provided for any lobbying-related expenses not covered in Part I, items 6a - 6f. An example of an expenditure to be listed on schedule C would be the rental of a bill box during the General Assembly session. Transfer the total from this schedule to Part I, item 6g. (Please duplicate as needed.)

311	DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
312	_____	_____	\$ _____
313	_____	_____	\$ _____
314	_____	_____	\$ _____
315	_____	_____	\$ _____
316	_____	_____	\$ _____
317	_____	_____	\$ _____
318	_____	_____	\$ _____
319	_____	_____	\$ _____
320	_____	_____	\$ _____
321	TOTAL "OTHER" EXPENSES		\$ _____

## PART IV: STATEMENTS

The following items are mandatory and if they are not properly completed, the entire filing will be rejected and returned to the lobbyist:

- (1) All signatures on the statement must be ORIGINAL in the format specified in the instructions provided by the ~~Council~~ Virginia ~~Independent Commission on Ethics~~ that accompany this form. No stamps, or other reproductions of the individual's signature will be accepted.
- (2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.

## STATEMENT OF LOBBYIST

I, the undersigned registered lobbyist, do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

\_\_\_\_\_  
Signature of lobbyist

\_\_\_\_\_  
Date

## STATEMENT OF PRINCIPAL

I, the undersigned principal (or an authorized official thereof), do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

\_\_\_\_\_  
Signature of principal

Date \_\_\_\_\_

D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact is guilty of a Class 5 felony.

E. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by November 21 for the preceding six-month period complete through the last day of October and by May 21 for the preceding six-month period complete through the last day of April.

**§ 2.2-428. Standards for automated preparation and transmittal of lobbyist's disclosure statements; database.**

A. The Virginia ~~Conflict of Interest and Ethics Advisory Council~~ *Independent Commission on Ethics* shall accept any lobbyist's disclosure statements required by § 2.2-426 filed by computer or electronic means in accordance with the standards approved by the ~~Council~~ *Commission* pursuant to the provisions of § ~~30-356~~ 2.2-2540.

B. The Secretary shall establish a lobbyist disclosure database, available to the public, from required disclosure statements filed electronically and may enter into that database information from required disclosure statements filed by other methods. The Secretary shall maintain such database until January 1, 2016.

**§ 2.2-431. Penalties; filing of substituted statement.**

A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed therein shall be assessed a civil penalty of fifty dollars, and every individual failing to file the statement within ten days after the time prescribed herein shall be assessed an additional civil penalty of fifty dollars per day from the eleventh day of such default until the statement is filed. The *Virginia Independent Commission on Ethics* shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall be assessed a civil penalty of fifty dollars, and shall be assessed an additional civil penalty of fifty dollars per day from the eleventh day of such default until the statement is filed. The *Virginia Independent Commission on Ethics* shall notify the Secretary of any lobbyist's failure to file to file the statement within the time prescribed, and the penalty shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

C. No individual who has failed to file the statement required by § 2.2-426 or who has failed to pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he remains in default.

D. Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such default are or will be beyond his control, or the control of his principal, or both, the Secretary may suspend the assessment of any penalty otherwise assessable and accept a substituted statement, upon the submission of sworn proofs that shall satisfy him that the default has been beyond the control of the lobbyist or his principal, and that the substituted statement contains the most accurate and complete information available after the exercise of due diligence.

E. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.

*Article 10.*

*Virginia Independent Commission on Ethics.*

**§ 2.2-2537. Virginia Independent Commission on Ethics established.**

The Virginia Independent Commission on Ethics (the Commission) is hereby established as an independent commission in state government to encourage and facilitate compliance with, and investigate violations of, the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) (the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 (Article 3).

**§ 2.2-2538. Membership; terms; prohibited activities.**

A. The Commission shall consist of nine members as follows: two nonlegislative citizen members appointed by the Speaker of the House of Delegates, one of whom shall be a former member of the House of Delegates and one of whom shall be a citizen at large; two nonlegislative citizen members appointed by the Senate Committee on Rules, one of whom shall be a former member of the Senate and one of whom shall be a citizen at large; and five nonlegislative citizen members appointed by the Governor, one of whom shall be a former officer or employee of the executive branch, one of whom shall be a former local government officer or employee, two of whom shall be citizens at large, and one

413 of whom shall be a former judge of a court of record, who shall serve as the chairman of the  
414 Commission. All appointments shall be subject to confirmation by a vote of two-thirds of the members  
415 elected to the General Assembly. Nonlegislative citizen members of the Commission shall be citizens of  
416 the Commonwealth. Vacancies shall be filled in the same manner as the original appointments.

417 B. Following the initial staggering of terms, members shall serve for terms of four years, except that  
418 appointments to fill vacancies shall be for the unexpired term. All members may be reappointed but no  
419 member shall be eligible to serve for more than two successive four-year terms. As a condition to  
420 assuming office, each member of the Commission shall file the disclosure form prescribed in § 2.2-3117.

421 C. During his term and for one year prior to his term, no member of the Commission shall (i) hold  
422 or campaign for any public office; (ii) be employed by or volunteer for any local, state, or federal  
423 campaign; (iii) hold office in any political party, political committee, or partisan organization; (iv)  
424 contribute to any candidate or campaign committee; (v) employ or be employed as a lobbyist; or (vi)  
425 solicit, accept, or receive any gift from any person subject to Article 3 or the Acts.

426 **§ 2.2-2539. Meetings of the Commission; staff.**

427 A. The Commission shall hold meetings quarterly or upon the call of the chairman. A majority of the  
428 Commission shall constitute a quorum. Except as provided in § 2.2-2542, the votes of a majority of the  
429 members present are required for any action or recommendation of the Commission.

430 B. Members of the Commission shall receive no compensation for their services but shall be  
431 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as  
432 provided in §§ 2.2-2813 and 2.2-2825. Funding for the expenses of the members shall be provided from  
433 existing appropriations to the Commission.

434 C. The Commission shall employ an executive director and a chief counsel. The executive director  
435 shall be responsible for the administrative operations of the Commission, including the hiring of such  
436 staff as he deems necessary, and shall perform other duties as may be delegated or assigned to him by  
437 the Commission. The chief counsel shall be the chief legal officer of the Commission and shall perform  
438 other duties as may be delegated or assigned to him by the Commission or executive director.

439 **§ 2.2-2540. Disclosure forms.**

440 A. The Commission shall prescribe and make available on its website the forms for disclosure  
441 required to be filed by Article 3 and the Acts. Any person required to file a disclosure form by Article 3  
442 or the Acts may request, and the Commission shall provide to him, the disclosure form he is required to  
443 file in its paper form.

444 B. The Commission shall receive all disclosure forms in the office of the Commission. The  
445 Commission shall accept any disclosure forms filed by computer or electronic means in accordance with  
446 and using software meeting the standards approved by the Commission. The Commission shall provide  
447 software or electronic access for filing to all filers without charge, and may prescribe the method of  
448 execution and certification of electronically filed forms, including the use of an electronic signature as  
449 authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Commission shall  
450 maintain a searchable database on its website of all disclosure forms properly filed.

451 C. The Commission shall initially review all disclosure forms to ensure those persons required to file  
452 a disclosure form have filed such a form and to determine if the disclosure form has been fully  
453 completed. If a disclosure form is found to have not been filed or to have been incomplete as filed, the  
454 Commission shall notify the filer in writing and direct the filer to file a completed disclosure form.

455 **§ 2.2-2541. Advisory opinions.**

456 A. Upon the request of any person subject to the requirements of Article 3 or the Acts, the  
457 Commission shall furnish informal advice or formal advisory opinions or guidance with respect to  
458 ethics, conflicts issues, or such person's duties under Article 3 or the Acts.

459 B. Formal advisory opinions are public record and may be published on the Commission's website.  
460 Published formal advisory opinions may have such deletions and changes as may be necessary to  
461 protect the identity of the person involved. The informal advice given by the Commission is confidential  
462 and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

463 C. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for a violation of  
464 Article 3 or the Acts if the alleged violation resulted from his good faith reliance on a formal advisory  
465 opinion issued under this section and the opinion was issued after his full disclosure of the material  
466 facts.

467 **§ 2.2-2542. Investigations.**

468 A. Investigations into alleged violations of the Acts may be initiated upon the Commission's own  
469 motion or in response to the signed and sworn complaint of any citizen of the Commonwealth. Such a  
470 complaint shall be subscribed by its maker as true under penalty of perjury. No investigation shall be  
471 initiated in the 60 days immediately preceding a primary election or other nominating event or before a  
472 general election in which the subject of the complaint or Commission's motion is running for office.

473 B. Upon its own motion, the Commission, through its executive director, may initiate an investigation  
474 into an alleged violation of the Acts. The investigation shall begin within 30 days of the Commission's



discovery of the facts giving rise to the alleged violation.

C. Upon receipt of a citizen complaint, the Commission, through its executive director, shall conduct a preliminary inquiry into any alleged violation of the Acts no later than 30 days after receipt of the complaint. The Commission shall notify the subject of the inquiry and forward to him a copy of the complaint. During its preliminary inquiry, the Commission shall determine whether the facts stated in the complaint, when taken as true, are sufficient to show a violation of the Acts. It shall complete its preliminary inquiry within 30 days of its initiation. All documents, records, and other information related to the preliminary inquiry are confidential and are excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). If the preliminary inquiry establishes that the facts stated in the complaint taken as true are not sufficient to show a violation of the Acts, the complaint shall be dismissed, and the Commission shall notify the subject of the inquiry and the complainant, if there is one. If the preliminary inquiry establishes that the facts stated in the complaint taken as true are sufficient to show a violation of the Acts, the Commission, through its executive director, shall initiate an investigation to determine if there has been a violation. The investigation shall begin within 30 days of the completion of the preliminary inquiry.

D. An investigation initiated pursuant to subsection B or C shall not begin until the subject of the investigation has been notified and provided a general statement of the alleged violation and the applicable statutes with respect to such violation. Service of notice is complete upon mailing by certified or registered mail. During the investigation, the Commission, its executive director, and its staff shall conduct interviews, take statements, receive and inspect documents and records, and gather other evidence as may be relevant. The Commission shall have the authority to issue subpoenas to compel the production of documents, records, and other information. The Commission shall complete its investigation no later than 180 days after its initiation and, within 30 days of completion of the investigation, shall make a written report of its findings and shall provide a copy of that report to the subject of the investigation. If finding that no violation was committed, the Commission shall put in the written report its reasons for dismissal of the complaint and shall notify the subject of the investigation and the complainant. In all other cases, the written report shall include the pertinent findings of fact and the Commission shall schedule a hearing on the matter.

E. Any hearing conducted pursuant to subsection D shall be open to the public and shall be held no later than 30 days after the issuance of the findings report. At any hearing, the Commission shall have the authority to issue subpoenas to compel the attendance of witnesses or the production of documents, records, and other information, and shall issue such subpoenas upon the request of the subject of the investigation. The subject of the investigation shall have the right to request the issuance of subpoenas, present evidence, have access to any evidence used or developed by the Commission during its investigation, cross-examine witnesses, face and examine the complainant, and be represented by counsel. At the conclusion of the hearing, the Commission shall deliberate on the evidence and determine whether there has been a violation of the Acts. At least five members of the Commission must find a violation by clear and convincing evidence.

F. Within 30 days following the conclusion of a hearing conducted pursuant to subsections D and E, the Commission shall issue a final order. The final order shall set forth the alleged violation, the findings of fact, and the conclusions of law. It may also include recommendations for disciplinary action, civil penalties, or criminal prosecution. Final orders are public record and shall be published on the Commission's website.

G. Any person subpoenaed pursuant to subsection D or E may immediately procure by petition a decision on the validity of the subpoena in the circuit court as provided in § 2.2-4003.

#### **§ 2.2-2543. Audits.**

The Commission shall conduct an annual audit of a random sample of the disclosure forms filed pursuant to Article 3 and the Acts. This annual audit shall be performed by the Commission in accordance with generally accepted auditing standards and shall review each disclosure form to determine (i) compliance with applicable disclosure requirements, (ii) compliance with applicable limitations on gifts, (iii) the accuracy of the information disclosed, and (iv) whether filing deadlines were met. The Commission may initiate an investigation pursuant to § 2.2-2542 into any discrepancies or possible violations of Article 3 or the Acts discovered in the course of the audit. The random sample shall be as follows: five percent of members of the House of Delegates, five percent of members of the Senate of Virginia, 10 percent of constitutional and local officers, 10 percent of lobbyists, and one of the statewide officers. For those filers who file semiannually, the form filed at the deadline immediately preceding the audit shall be the form audited.

#### **§ 2.2-2544. Other powers and duties.**

The Commission shall:

1. Review and approve or deny requests for waivers submitted by those persons subject to the Acts to accept a tangible or intangible gift, or a combination of tangible or intangible gifts, that is otherwise

536 prohibited by § 2.2-3103.1 or § 30-103.1. The Commission shall consider the gift as it relates to the  
537 official duties of the requester and may approve those gifts that do not raise the appearance of  
538 impropriety. The Commission shall prescribe the standards and procedures for receiving, reviewing, and  
539 approving or denying such waivers.

540 2. Conduct training seminars and educational programs for lobbyists, state and local government  
541 officers and employees, legislators, and other interested persons on the requirements of Article 3 and the  
542 Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et  
543 seq.) of Chapter 13 of Title 30;

544 3. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the  
545 educational materials and approve any training or course on the requirements of Article 3 and the Acts  
546 conducted for state and local government officers and employees;

547 4. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the  
548 Acts;

549 5. Request from any agency of state or local government such assistance, services, and information  
550 as will enable the Commission to effectively carry out its responsibilities. Information provided to the  
551 Commission by an agency of state or local government shall not be released to any other party unless  
552 authorized by such agency; and

553 6. Report on or before December 1 of each year on its activities and findings regarding Article 3  
554 and the Acts, including recommendations for changes in the laws, to the General Assembly and the  
555 Governor. The annual report shall be submitted by the chairman as provided in the procedures of the  
556 Division of Legislative Automated Systems for the processing of legislative documents and reports and  
557 shall be published as a state document.

558 **§ 2.2-2545. Violations.**

559 If the Commission, after conducting an investigation pursuant to § 2.2-2542, finds a person subject to  
560 the requirements of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) or the  
561 General Assembly Conflicts of Interests Act (§ 30-100 et seq.) has knowingly violated one or more of  
562 the provisions of such Act, it shall refer the matter by its final order to the Supreme Court of Virginia.  
563 The final order shall contain recommendations for criminal prosecution. The Supreme Court shall  
564 appoint an attorney for the Commonwealth to prosecute the alleged violation. The attorney for the  
565 Commonwealth so appointed shall not be of the county or city where the officer, employee, or legislator  
566 was elected or is employed.

567 **§ 2.2-3101. Definitions.**

568 As used in this chapter, unless the context requires a different meaning:

569 "Advisory agency" means any board, commission, committee or post which does not exercise any  
570 sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for  
571 the purpose of making studies or recommendations, or advising or consulting with a governmental  
572 agency.

573 "Affiliated business entity relationship" means a relationship, other than a parent-subsidiary  
574 relationship, that exists when (i) one business entity has a controlling ownership interest in the other  
575 business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or  
576 (iii) there is shared management or control between the business entities. Factors that may be considered  
577 in determining the existence of an affiliated business entity relationship include that the same person or  
578 substantially the same person owns or manages the two entities, there are common or commingled funds  
579 or assets, the business entities share the use of the same offices or employees, or otherwise share  
580 activities, resources or personnel on a regular basis, or there is otherwise a close working relationship  
581 between the entities.

582 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,  
583 association, trust or foundation, or any other individual or entity carrying on a business or profession,  
584 whether or not for profit.

585 "Commission" means the Virginia Independent Commission on Ethics established in Article 10  
586 (§ 2.2-2537 et seq.) of Chapter 25.

587 "Contract" means any agreement to which a governmental agency is a party, or any agreement on  
588 behalf of a governmental agency that involves the payment of money appropriated by the General  
589 Assembly or a political subdivision, whether or not such agreement is executed in the name of the  
590 Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the  
591 contract of which it is a part is with the officer's or employee's own governmental agency.

592 "Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in  
593 § 30-355.

594 "Employee" means all persons employed by a governmental or advisory agency, unless otherwise  
595 limited by the context of its use.

596 "Financial institution" means any bank, trust company, savings institution, industrial loan association,  
597 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or

investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, or by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) *unsolicited, personally-inscribed awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service*; (v) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; ~~(v)~~ (vi) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; or ~~(vi)~~ (vii) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any child ~~who resides, whether or not residing~~ in the same household as the officer or employee ~~and, who is a dependent of the officer or employee~~.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a)

an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

**§ 2.2-3103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. An officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year (i) any single tangible gift with a value in excess of \$250, (ii) any single intangible gift with a value in excess of \$250, or (iii) a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form, other than relatives or personal friends.

C. An officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any calendar year (i) any single tangible gift with a value in excess of \$250, (ii) any single intangible gift with a value in excess of \$250, or (iii) a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form, other than relatives or personal friends.

D. An officer or employee of a state or local governmental or advisory agency or a candidate required to file the disclosure form prescribed in § 2.2-3117 may accept a tangible or intangible gift, or a combination of tangible or intangible gifts, with a value in excess of the limit prescribed in subsections B and C, if:

1. The gifts are received while in attendance at a widely attended event. A widely attended event is an event for which there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals from throughout a particular industry or profession or who represent persons interested in a particular issue; or

2. The officer, employee, or candidate has submitted a written request to and has received the written approval of the Commission pursuant to subdivision 1 of § 2.2-2544.

Gifts received pursuant to this subsection shall be disclosed on the form prescribed in § 2.2-3117.

For purposes of disclosure of a gift received pursuant to subdivision 1 of this subsection, a gift that is received by a guest invited by the officer, employee, or candidate to attend to the widely attended event, whether or not such guest is accompanied by the officer, employee, or candidate, shall be deemed a gift received by the officer, employee, or candidate.

E. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any tangible gift from any person that he knows or has reason to know is a person, organization, or business who is a party to such civil action. A person, organization, or business who is a party to such civil action shall not knowingly give any tangible gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter. *For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.*

F. The \$250 ~~limitation~~ limitations imposed in accordance with this section shall be adjusted by the ~~Council~~ Commission every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

F. For purposes of this section, ~~"person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

#### **§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.**

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

Any person subject to the provisions of this section may apply to the ~~Council~~ Commission or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

#### **§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.**

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding,

782 the governing board of the educational institution or the Eastern Virginia Medical School ensures that  
783 the officer or employee, or the immediate family member, does not have sole authority to supervise,  
784 evaluate or make personnel decisions regarding the other;

785 3. An officer's or employee's personal interest in a contract of employment with any other  
786 governmental agency of state government;

787 4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of  
788 services or goods at uniform prices available to the general public;

789 5. An employee's personal interest in a contract between a public institution of higher education in  
790 Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other  
791 educational materials for students, which accrues to him solely because he has authored or otherwise  
792 created such textbooks or materials;

793 6. An employee's personal interest in a contract with his or her employing public institution of higher  
794 education to acquire the collections or scholarly works owned by the employee, including manuscripts,  
795 musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research,  
796 or cultural value to the institution, provided the president of the institution approves the acquisition of  
797 such collections or scholarly works as being in the best interests of the institution's public mission of  
798 service, research, or education;

799 7. Subject to approval by the board of visitors, an employee's personal interest in a contract between  
800 the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates  
801 a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical  
802 practice within such public institution of higher education or the Eastern Virginia Medical School and of  
803 which such employee is a member or employee;

804 8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract  
805 for research and development or commercialization of intellectual property between a public institution  
806 of higher education in Virginia or the Eastern Virginia Medical School and a business in which the  
807 employee has a personal interest, if (i) the employee's personal interest has been disclosed to and  
808 approved by such public institution of higher education or the Eastern Virginia Medical School prior to  
809 the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement  
810 pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~January~~ *December* 15;  
811 (iii) the institution has established a formal policy regarding such contracts, approved by the State  
812 Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy  
813 regarding such contracts in conformity with any applicable federal regulations that has been approved by  
814 its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern  
815 Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each  
816 open contract entered into subject to this provision, the names of the parties to each contract, the date  
817 each contract was executed and its term, the subject of each contractual arrangement, the nature of the  
818 conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for  
819 administering each contract, the details of the institution's or the Eastern Virginia Medical School's  
820 commitment or investment of resources or finances for each contract, and any other information  
821 requested by the Secretary of the Commonwealth; or

822 9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract  
823 between a public institution of higher education in Virginia or the Eastern Virginia Medical School and  
824 a business in which the employee has a personal interest, if (i) the personal interest has been disclosed  
825 to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into;  
826 (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before  
827 ~~January~~ *December* 15; (iii) the employee does not participate in the institution's or the Eastern Virginia  
828 Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia  
829 Medical School finds and certifies in writing that the contract is for goods and services needed for  
830 quality patient care, including related medical education or research, by the institution's medical center  
831 or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary  
832 for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies;  
833 and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School  
834 files an annual report with the Secretary of the Commonwealth disclosing each open contract entered  
835 subject to this provision, the names of the parties to each contract, the date each contract was executed  
836 and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the  
837 institution's or the Eastern Virginia Medical School's employee responsible for administering each  
838 contract, the details of the institution's or the Eastern Virginia Medical School's commitment or  
839 investment of resources or finances for each contract, and any other information requested by the  
840 Secretary of the Commonwealth.

841 D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or  
842 commercialization of intellectual property or the employee's personal interest in a contract with a  
843 business is subject to policies and regulations governing conflicts of interest promulgated by any agency

of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

**§ 2.2-3114. Disclosure by state officers and employees.**

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor or, in the case of officers or employees of the legislative branch, by the Joint Rules Committee of the General Assembly, shall file with the ~~Council~~ *Commission*, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file with the ~~Council~~ *Commission*, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be provided by the ~~Council~~ *Commission* to each officer and employee so designated, including officers appointed by legislative authorities at least 30 days prior to the filing deadline. Disclosure forms shall be filed and maintained as public records for five years in the office of the ~~Council~~ *Commission*.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public

905 interest. The officer or employee shall either make his declaration orally to be recorded in written  
906 minutes for his agency or file a signed written declaration with the clerk or administrative head of his  
907 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for  
908 public inspection such declaration for a period of five years from the date of recording or receipt. If  
909 reasonable time is not available to comply with the provisions of this subsection prior to participation in  
910 the transaction, the officer or employee shall prepare and file the required declaration by the end of the  
911 next business day.

912 G. An officer or employee of state government who is required to declare his interest pursuant to  
913 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a  
914 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide  
915 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in  
916 the public interest. The officer or employee shall either make his declaration orally to be recorded in  
917 written minutes for his agency or file a signed written declaration with the clerk or administrative head  
918 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make  
919 available for public inspection such declaration for a period of five years from the date of recording or  
920 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to  
921 participation in the transaction, the officer or employee shall prepare and file the required declaration by  
922 the end of the next business day.

923 **§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.**

924 The filing of a current statement of economic interests by a General Assembly member,  
925 member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General  
926 Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter  
927 (~~§ 2.2-3100 et seq.~~). The Secretary of the Commonwealth may obtain from the ~~Clerk of the House of~~  
928 ~~Delegates or the Senate, as appropriate,~~ *Commission* a copy of the statement of a General Assembly  
929 member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No  
930 General Assembly member, member-elect, or candidate shall be required to file a separate statement of  
931 economic interests for the purposes of § 2.2-3114.

932 **§ 2.2-3115. Disclosure by local government officers and employees.**

933 A. The members of every governing body and school board of each county and city and of towns  
934 with populations in excess of 3,500 shall file with the ~~Council~~ *Commission*, as a condition to assuming  
935 office or employment, a disclosure statement of their personal interests and other information as is  
936 specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by  
937 December 15 for the preceding six-month period complete through the last day of October and by June  
938 15 for the preceding six-month period complete through the last day of April.

939 The members of the governing body of any authority established in any county or city, or part or  
940 combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any  
941 fiscal year, shall file with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission*, as  
942 a condition to assuming office, a disclosure statement of their personal interests and other information as  
943 is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or  
944 before December 15, unless the governing body of the jurisdiction that appoints the members requires  
945 that the members file the form set forth in § 2.2-3117 semiannually by December 15 for the preceding  
946 six-month period complete through the last day of October and by June 15 for the preceding six-month  
947 period complete through the last day of April.

948 Persons occupying such positions of trust appointed by governing bodies and persons occupying such  
949 positions of employment with governing bodies as may be designated to file by ordinance of the  
950 governing body shall file with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission*,  
951 as a condition to assuming office or employment, a disclosure statement of their personal  
952 interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall  
953 file such a statement semiannually by December 15 for the preceding six-month period complete through  
954 the last day of October and by June 15 for the preceding six-month period complete through the last day  
955 of April.

956 Persons occupying such positions of trust appointed by school boards and persons occupying such  
957 positions of employment with school boards as may be designated to file by an adopted policy of the  
958 school board shall file with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission*,  
959 as a condition to assuming office or employment, a disclosure statement of their personal interests and  
960 other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a  
961 statement semiannually by December 15 for the preceding six-month period complete through the last  
962 day of October and by June 15 for the preceding six-month period complete through the last day of  
963 April.

964 B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by  
965 the governing body shall file with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission*,  
966 as a condition to assuming office, a disclosure form of their personal interests and such



other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be provided by the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission* to the clerks of the governing bodies and school boards at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission*. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission*.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission* on or before December 15. Such disclosures shall be filed and maintained as public records for five years. Forms for the filing of such reports shall be prepared and distributed by the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission* to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes of his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

**§ 2.2-3116. Disclosure by certain constitutional officers.**

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for

the Commonwealth, clerk of the circuit court and commissioner of the revenue of each county and city, shall be deemed to be local officers and shall be required to file *with the Commission, as a condition to assuming office*, the Statement of Economic Interests set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. These officers shall file statements pursuant to ~~§ 2.2-3115~~ and candidates shall file statements as required by § 24.2-502. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

**§ 2.2-3117. Disclosure form.**

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name .....

Office or position held or sought .....

Address .....

Names of members of immediate family .....

**DEFINITIONS AND EXPLANATORY MATERIAL.**

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, or by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) *unsolicited, personally-inscribed awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service*; (v) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; ~~(v)~~ (vi) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; or ~~(vi)~~ (vii) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any child ~~who resides~~, *whether or not residing* in the same household as the officer or employee ~~and~~, who is a dependent of the officer or employee.

**TRUST.** If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust

and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past six months did you receive in your capacity as an officer or employee of your agency lodging, transportation, money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$100, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F.

8. Payments for Representation and Other Services.

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory

1150 agencies do NOT need to answer this question or complete Schedule G-2.)

1151 EITHER check NO // OR check YES // and complete Schedule G-2.

1152 8C. Did you or persons with whom you have a close financial association furnish services to  
1153 businesses operating in Virginia pursuant to an agreement between you and such businesses, or between  
1154 persons with whom you have a close financial association and such businesses for which total  
1155 compensation in excess of \$1,000 was received during the past six months? Services reported under this  
1156 provision shall not include services involving the representation of businesses that are reported under  
1157 item 8A or 8B.

1158 EITHER check NO // OR check YES // and complete Schedule G-3.

1159 9. Real Estate.

1160 9A. State Officers and Employees.

1161 Do you or a member of your immediate family hold an interest, including a partnership interest,  
1162 valued at more than \$5,000 in real property (other than your principal residence) for which you have not  
1163 already listed the full address on Schedule F? Account for real estate held in trust.

1164 EITHER check NO // OR check YES // and complete Schedule H-1.

1165 9B. Local Officers and Employees.

1166 Do you or a member of your immediate family hold an interest, including a partnership interest, or  
1167 option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal  
1168 residence) for which you have not already listed the full address on Schedule F? Account for real estate  
1169 held in trust.

1170 EITHER check NO // OR check YES // and complete Schedule H-2.

1171 10. Real Estate Contracts with Governmental Agencies.

1172 Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real  
1173 estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real  
1174 estate is the subject of a contract, whether pending or completed within the past six months, with a  
1175 governmental agency? If the real estate contract provides for the leasing of the property to a  
1176 governmental agency, do you or a member of your immediate family hold an interest in the real estate  
1177 valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in  
1178 Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest  
1179 derived through an ownership interest in a business unless the ownership interest exceeds three percent  
1180 of the total equity of the business.

1181 EITHER check NO // OR check YES // and complete Schedule I.

1182 Statements of Economic Interests are open for public inspection.

1183 AFFIRMATION BY ALL FILERS.

1184 I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

1185 Signature .....

1186 (Return only if needed to complete Statement.)

1187 SCHEDULES

1188 to

1189 STATEMENT OF ECONOMIC INTERESTS.

1190 NAME .....

1191 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

1192 Identify each business of which you or a member of your immediate family is a paid officer or paid  
1193 director.

1194			
1195			
1196	Name of Business	Address of Business	Position Held and by Whom
1197			
1198			
1199			
1200			
1201			

1202 RETURN TO ITEM 2

1203 SCHEDULE B - PERSONAL LIABILITIES.

1204 Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not  
1205 report debts to any government. Do not report loans secured by recorded liens on property at least equal  
1206 in value to the loan.

1207 Report contingent liabilities below and indicate which debts are contingent.

1208 1. My personal debts are as follows:

1209

1210			
1211	Check	Check one	
1212	appropriate	\$5,001 to	More than
1213	categories	\$50,000	\$50,000
1214	Banks	_____	_____
1215	Savings institutions	_____	_____
1216	Other loan or finance companies	_____	_____
1217	Insurance companies	_____	_____
1218	Stock, commodity or other brokerage companies	_____	_____
1219	Other businesses:		
1220	(State principal business activity for each		
1221	creditor and its name.)		
1222	_____	_____	_____
1223	_____	_____	_____
1224	_____	_____	_____
1225	Individual creditors:		
1226	(State principal business or occupation of		
1227	each creditor and its name.)		
1228	_____	_____	_____
1229	_____	_____	_____
1230	_____	_____	_____

1231

1232 2. The personal debts of the members of my immediate family are as follows:

1233 \_\_\_\_\_

1234 \_\_\_\_\_

1235	Check	Check one	
1236	appropriate	\$5,001 to	More than
1237	categories	\$50,000	\$50,000
1238	Banks	_____	_____
1239	Savings institutions	_____	_____
1240	Other loan or finance companies	_____	_____
1241	Insurance companies	_____	_____
1242	Stock, commodity or other brokerage companies	_____	_____
1243	Other businesses:		
1244	(State principal business activity for each		
1245	creditor and its name.)		
1246	_____	_____	_____
1247	_____	_____	_____
1248	_____	_____	_____
1249	Individual creditors:		
1250	(State principal business or occupation of		
1251	each creditor and its name.)		
1252	_____	_____	_____
1253	_____	_____	_____
1254	_____	_____	_____

1255

1256 RETURN TO ITEM 3

1257 SCHEDULE C - SECURITIES.

1258 "Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures

1259 contracts.

1260 "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and

1261 insurance policies.

1262 Identify each business or Virginia governmental entity in which you or a member of your immediate

1263 family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name

1264 each issuer and type of security individually.

1265 Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia

1266 or its authorities, agencies, or local governments. Do not list organizations that do not do business in

1267 this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held  
1268 in trust.

1269 If no reportable securities, check here / /.

1270					
1271					
1272			Check one		
1273	Type of Security		\$5,001	\$50,001	More
1274	(stocks, bonds, mutual		to	to	than
1275	Name of Issuer	funds, etc.)	\$50,000	\$250,000	\$250,000
1276					
1277					
1278					
1279					
1280					

1281 RETURN TO ITEM 4

#### 1282 SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

1283 List each source from which you received during the past six months in your capacity as an officer  
1284 or employee of your agency lodging, transportation, money, or any other thing of value with combined  
1285 value exceeding \$200 (i) for your presentation of a single talk, participation in one meeting, or  
1286 publication of a work or (ii) for your attendance at a meeting, conference, or event where your  
1287 attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to  
1288 your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative  
1289 to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other  
1290 thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii)  
1291 (a), or (ii) (b) shall be listed as a gift on Schedule E.

1292 List payments or reimbursements by an advisory or governmental agency only for meetings or travel  
1293 outside the Commonwealth.

1294 List a payment even if you donated it to charity.

1295 Do not list information about a payment if you returned it within 60 days or if you received it from  
1296 an employer already listed under Item 6 or from a source of income listed on Schedule F.

1297 If no payment must be listed, check here / /.

1298				
1299				
1300				Type of payment
1301				(e.g. honoraria,
1302				travel reimburse-
1303	Payer	Approximate Value	Circumstances	ment, etc.)
1304				
1305				
1306				
1307				
1308				

1309 RETURN TO ITEM 5

#### 1310 SCHEDULE E - GIFTS.

1311 List each business, governmental entity, or individual that, during the past six months, (i) furnished  
1312 you or a member of your immediate family with any gift or entertainment at a single event, and the  
1313 value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or  
1314 entertainment in any combination and the total value received exceeded \$100, and for which you or the  
1315 member of your immediate family neither paid nor rendered services in exchange. List each such gift or  
1316 event. Do not list entertainment events unless the average value per person attending the event exceeded  
1317 \$50. Do not list business entertainment related to the private profession or occupation of you or the  
1318 member of your immediate family who received such business entertainment. Do not list gifts or other  
1319 things of value given by a relative or personal friend for reasons clearly unrelated to your public  
1320 position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et  
1321 seq.) of Title 24.2 of the Code of Virginia.

1322				
1323				
1324	Name of Business,	City or	Exact	
1325	Name of Organization, or	County	Gift or	Approximate

1326	Recipient	Individual	and State	Event	Value
1327	_____	_____	_____	_____	_____
1328	_____	_____	_____	_____	_____
1329	_____	_____	_____	_____	_____
1330	_____	_____	_____	_____	_____
1331	_____	_____	_____	_____	_____

RETURN TO ITEM 6

**SCHEDULE F - BUSINESS INTERESTS.**

1332 Complete this Schedule for each self-owned or family-owned business (including rental property, a  
 1333 farm, or consulting work), partnership, or corporation in which you or a member of your immediate  
 1334 family, separately or together, own an interest having a value in excess of \$5,000.

1335 If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name;  
 1336 otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a  
 1337 trade, partnership, or corporate name, list the name only; otherwise, give the address of each property.  
 1338 Account for business interests held in trust.

1343	Name of Business,				Gross Income
1344	Corporation,				
1345	Partnership,	City or	Nature of Enterprise	\$50,001	More
1346	Farm; Address of	County	(farming, law, rental	\$50,000	to
1347	Rental Property	and State	property, etc.)	or less	\$250,000 \$250,000

1348	_____	_____	_____	_____	_____
1349	_____	_____	_____	_____	_____
1350	_____	_____	_____	_____	_____
1351	_____	_____	_____	_____	_____

RETURN TO ITEM 8

**SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.**

1354 List the businesses you represented, excluding activity defined as lobbying in § 2.2-419, before any  
 1355 state governmental agency, excluding any court or judge, for which you received total compensation  
 1356 during the past six months in excess of \$1,000, excluding compensation for other services to such  
 1357 businesses and representation consisting solely of the filing of mandatory papers and subsequent  
 1358 representation regarding the mandatory papers filed by you.

1359 Identify each business, the nature of the representation and the amount received by dollar category  
 1360 from each such business. You may state the type, rather than name, of the business if you are required  
 1361 by law not to reveal the name of the business represented by you.

1362 Only STATE officers and employees should complete this Schedule.

1366	Name	Type	Pur- pose of	Name of	\$1,001	\$10,001	\$50,001	\$100,001	\$250,001
1367	of	of	Repre-	of	to	to	to	to	and
1368	Busi-	Busi-	senta-	Agen-	\$10,000	\$50,000	\$100,000	\$250,000	over
1369	ness	ness	tion	cy					

1370	_____	_____	_____	_____	_____	_____	_____	_____	_____
1371	_____	_____	_____	_____	_____	_____	_____	_____	_____
1372	_____	_____	_____	_____	_____	_____	_____	_____	_____
1373	_____	_____	_____	_____	_____	_____	_____	_____	_____
1374	_____	_____	_____	_____	_____	_____	_____	_____	_____
1375	_____	_____	_____	_____	_____	_____	_____	_____	_____

1376 If you have received \$250,001 or more from a single business within the reporting period, indicate  
 1377 the amount received, rounded to the nearest \$10,000.

Amount Received: \_\_\_\_\_.

**SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.**

1380 List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419,  
 1381 before any state governmental agency, excluding any court or judge, by persons who are your partners,  
 1382 associates or others with whom you have a close financial association and who received total  
 1383

1384 compensation in excess of \$1,000 for such representation during the past six months, excluding  
 1385 representation consisting solely of the filing of mandatory papers and subsequent representation  
 1386 regarding the mandatory papers filed by your partners, associates or others with whom you have a close  
 1387 financial association.

1388 Identify such businesses by type and also name the state governmental agencies before which such  
 1389 person appeared on behalf of such businesses.

1390 Only STATE officers and employees should complete this Schedule.

1391 \_\_\_\_\_

1392 \_\_\_\_\_

1393 Type of business Name of state governmental agency

1394 \_\_\_\_\_

1395 \_\_\_\_\_

1396 \_\_\_\_\_

1397 \_\_\_\_\_

1398 \_\_\_\_\_

### 1399 SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

1400 Indicate below types of businesses that operate in Virginia to which services were furnished by you  
 1401 or persons with whom you have a close financial association pursuant to an agreement between you and  
 1402 such businesses, or between persons with whom you have a close financial association and such  
 1403 businesses and for which total compensation in excess of \$1,000 was received during the past six  
 1404 months. Services reported in this Schedule shall not include services involving the representation of  
 1405 businesses that are reported in Schedule G-1 or G-2.

1406 Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of  
 1407 service rendered and (iii) the value by dollar category of the compensation received for all businesses  
 1408 falling within each category.

1409 \_\_\_\_\_

1410 \_\_\_\_\_

1411 Check Value of Compensation

1412 if Type

1413 ser- of

1414 vices ser-

1415 were vice \$1,001 \$10,001 \$50,001 \$100,001 \$250,001

1416 ren- ren- to to to to and

1417 dered dered \$10,000 \$50,000 \$100,000 \$250,000 over

1418 Electric utilities \_\_\_\_\_

1419 Gas utilities \_\_\_\_\_

1420 Telephone utilities \_\_\_\_\_

1421 Water utilities \_\_\_\_\_

1422 Cable television \_\_\_\_\_

1423 companies \_\_\_\_\_

1424 Interstate \_\_\_\_\_

1425 transportation \_\_\_\_\_

1426 companies \_\_\_\_\_

1427 Intrastate \_\_\_\_\_

1428 transportation \_\_\_\_\_

1429 companies \_\_\_\_\_

1430 Oil or gas retail \_\_\_\_\_

1431 companies \_\_\_\_\_

1432 Banks \_\_\_\_\_

1433 Savings institutions \_\_\_\_\_

1434 Loan or finance \_\_\_\_\_

1435 companies \_\_\_\_\_

1436 Manufacturing \_\_\_\_\_

1437 companies (state \_\_\_\_\_

1438 type of product, \_\_\_\_\_

1439 e.g., textile, \_\_\_\_\_

1440 furniture, etc.) \_\_\_\_\_

1441 Mining companies \_\_\_\_\_



1442	Life insurance							
1443	companies	_____	_____	_____	_____	_____	_____	_____
1444	Casualty insurance							
1445	companies	_____	_____	_____	_____	_____	_____	_____
1446	Other insurance							
1447	companies	_____	_____	_____	_____	_____	_____	_____
1448	Retail companies	_____	_____	_____	_____	_____	_____	_____
1449	Beer, wine or liquor							
1450	companies or							
1451	distributors	_____	_____	_____	_____	_____	_____	_____
1452	Trade associations	_____	_____	_____	_____	_____	_____	_____
1453	Professional							
1454	associations	_____	_____	_____	_____	_____	_____	_____
1455	Associations of							
1456	public employees							
1457	or officials	_____	_____	_____	_____	_____	_____	_____
1458	Counties, cities							
1459	or towns	_____	_____	_____	_____	_____	_____	_____
1460	Labor organizations	_____	_____	_____	_____	_____	_____	_____
1461	Other	_____	_____	_____	_____	_____	_____	_____
1462		_____	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

**SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.**

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually.

1468	_____		
1469			
1470		Describe the type of real	
1471	List each location	estate you own in each	If the real estate is
1472	(state, and county	location (business, recre-	owned or recorded in
1473	or city) where you	ational, apartment, com-	a name other than your
1474	own real estate.	mercial, open land, etc.).	own, list that name.
1475	_____	_____	_____
1476	_____	_____	_____
1477	_____	_____	_____
1478	_____	_____	_____
1479	_____	_____	_____

**SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.**

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

1486	_____			
1487				
1488		Describe the type		
1489		of real estate		
1490		you own in		
1491		each location	If the real estate	
1492	List each location	(business,	is owned or rec-	
1493	(state, and county	recreational,	orded in a name	
1494	or city) where	apartment, com-	other than your	List the names
1495	you own real	mercial, open	own, list that	of any co-owners,
1496	estate.	land, etc.).	name.	if applicable.
1497	_____	_____	_____	_____
1498	_____	_____	_____	_____

1499				
1500				
1501				
1502				

**1503 SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.**

**1504** List all contracts, whether pending or completed within the past six months, with a governmental  
**1505** agency for the sale or exchange of real estate in which you or a member of your immediate family  
**1506** holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract,  
**1507** valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in  
**1508** which you or a member of your immediate family holds such an interest valued at more than \$1,000.  
**1509** This requirement to disclose an interest in a lease does not apply to an interest derived through an  
**1510** ownership interest in a business unless the ownership interest exceeds three percent of the total equity of  
**1511** the business.

**1512** State officers and employees report contracts with state agencies.

**1513** Local officers and employees report contracts with local agencies.

1514				
1515				

**1516** List your real estate  
**1517** interest and the  
**1518** person or entity,  
**1519** including the type  
**1520** of entity, which  
**1521** is party to  
**1522** the contract.

**1523** Describe any  
**1524** management role and  
**1525** the percentage  
**1526** ownership  
**1527** interest you or your  
**1528** immediate family  
**1529** member has in the real  
**1530** estate or entity.

List each governmental  
 agency which is a  
 party to the contract  
 and indicate the  
 county or city where  
 the real estate  
 is located.

State the annual  
 income from the  
 contract, and the  
 amount, if any, of  
 income you or any  
 immediate family  
 member derives  
 annually from the  
 contract.

1531				
1532				
1533				
1534				
1535				
1536				

**1537 § 2.2-3118. Disclosure form; certain citizen members.**

**1538** A. The financial disclosure form to be used for filings required pursuant to subsection B of  
**1539** § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § ~~30-356~~  
**1540** 2.2-2540. The financial disclosure form shall be substantially as follows:

**1541** DEFINITIONS AND EXPLANATORY MATERIAL.

**1542** "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,  
**1543** association, trust or foundation, or any other individual or entity carrying on a business or profession,  
**1544** whether or not for profit.

**1545** "Close financial association" means an association in which the person filing shares significant  
**1546** financial involvement with an individual and the filer would reasonably be expected to be aware of the  
**1547** individual's business activities and would have access to the necessary records either directly or through  
**1548** the individual. "Close financial association" does not mean an association based on (i) the receipt of  
**1549** retirement benefits or deferred compensation from a business by which the person filing this statement is  
**1550** no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an  
**1551** independent contractor of a business that represents an entity before any state governmental agency  
**1552** when the person filing has no communications with the state governmental agency.

**1553** "Contingent liability" means a liability that is not presently fixed or determined, but may become  
**1554** fixed or determined in the future with the occurrence of some certain event.

**1555** "Immediate family" means (i) a spouse and (ii) any child ~~who resides, whether or not residing~~ in the  
**1556** same household as the filer ~~and~~, who is a dependent of the filer.

**1557** "Personal interest" means, for the purposes of this form only, a personal and financial benefit or

liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name .....

Office or position held or to be held

.....

Address .....

#### I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;

2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;

3. Liability on behalf of any business representing less than three percent of the total assets of such business; and

4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

1. Residence, address, or, if no address, location .....

2. Other real estate, address, or, if no address, location .....

3. Name or principal business activity of each business in which stock, bond or equity interest is held .....

B. The personal interests of my immediate family are:

1. Real estate, address or, if no address, location .....

2. Name or principal business activity of each business in which stock, bond or equity interest is held .....

#### II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Position held

Name of business

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Position held

Name of business

#### III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

1618 Identify businesses by name and name the state governmental agencies before which you appeared on  
 1619 behalf of such businesses.

1620		
1621		
1622	Name of business	Name of governmental agency
1623		
1624		
1625		
1626		

1627 B. The businesses that, to my knowledge, have been represented, excluding activity defined as  
 1628 lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons  
 1629 with whom I have a close financial association and who received total compensation in excess of \$1,000  
 1630 during the preceding year, excluding compensation for other services to such businesses and  
 1631 representation consisting solely of the filing of mandatory papers, are as follows:

1632 Identify businesses by type and name the state governmental agencies before which such person  
 1633 appeared on behalf of such businesses.

1634		
1635		
1636	Type of business	Name of state governmental agency
1637		
1638		
1639		
1640		

1641 C. All other businesses listed below that operate in Virginia to which services were furnished  
 1642 pursuant to an agreement between you and such businesses and for which total compensation in excess  
 1643 of \$1,000 was received during the preceding year:

1644 Check each category of business to which services were furnished.

1645	
1646	
1647	Electric utilities
1648	Gas utilities
1649	Telephone utilities
1650	Water utilities
1651	Cable television companies
1652	Intrastate transportation companies
1653	Interstate transportation companies
1654	Oil or gas retail companies
1655	Banks
1656	Savings institutions
1657	Loan or finance companies
1658	Manufacturing companies (state type
1659	of product, e.g., textile, furniture,
1660	etc.)
1661	Mining companies
1662	Life insurance companies
1663	Casualty insurance companies
1664	Other insurance companies
1665	Retail companies
1666	Beer, wine or liquor companies or
1667	distributors
1668	Trade associations
1669	Professional associations
1670	Associations of public employees or
1671	officials
1672	Counties, cities or towns
1673	Labor organizations
1674	

1675 IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$200 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

**§ 2.2-3121. Advisory opinions.**

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or the *Virginia Conflict of Interest and Ethics Advisory Council Commission* made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth or the *Council Commission* made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts. The written opinion shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his city, county or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

**§ 2.2-3131. Exemptions.**

A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General and the *Virginia Conflict of Interest and Ethics Advisory Council Commission* regarding appropriate course content.

**§ 30-101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Commission" means the *Virginia Independent Commission on Ethics established in Article 10 (§ 2.2-2537 et seq.) of Chapter 25 of Title 2.2.*

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the *Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.*

1737 "Financial institution" means any bank, trust company, savings institution, industrial loan association,  
1738 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or  
1739 investment company or advisor registered under the federal Investment Advisors Act or Investment  
1740 Company Act of 1940.

1741 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
1742 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and  
1743 meals, whether provided in-kind, *or* by purchase of a ticket, payment in advance or reimbursement after  
1744 the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other  
1745 admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any  
1746 athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private  
1747 school, institution of higher education, or other educational program pursuant to such school, institution,  
1748 or program's financial aid standards and procedures applicable to the general public; (iv) *unsolicited,*  
1749 *personally-inscribed awards of appreciation or recognition in the form of a plaque, trophy, wall*  
1750 *memento, or similar item that is given in recognition of public, civic, charitable, or professional service;*  
1751 (v) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.)  
1752 of Title 24.2; ~~(vi)~~ (vi) any gift related to the private profession or occupation of an officer or employee  
1753 or of a member of his immediate family; or ~~(vi)~~ (vii) gifts from relatives or personal friends. For the  
1754 purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a  
1755 person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent,  
1756 grandchild, brother, or sister; or the donee's brother's or sister's spouse. For the purpose of this  
1757 definition, "personal friend" does not include any person that the filer knows or has reason to know is  
1758 (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a  
1759 lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to  
1760 or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition,  
1761 "person, organization, or business" includes individuals who are officers, directors, or owners of or who  
1762 have a controlling ownership interest in such organization or business.

1763 "Governmental agency" means each component part of the legislative, executive or judicial branches  
1764 of state and local government, including each office, department, authority, post, commission,  
1765 committee, and each institution or board created by law to exercise some regulatory or sovereign power  
1766 or duty as distinguished from purely advisory powers or duties.

1767 "Immediate family" means (i) a spouse and (ii) any child ~~who resides, whether or not residing~~ in the  
1768 same household as the legislator ~~and~~, who is a dependent of the legislator.

1769 "Legislator" means a member of the General Assembly.

1770 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his  
1771 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership  
1772 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may  
1773 reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;  
1774 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination  
1775 thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be  
1776 anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds  
1777 \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe  
1778 benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a  
1779 business if the liability exceeds three percent of the asset value of the business; or (vi) an option for  
1780 ownership of a business or real or personal property if the ownership interest will consist of clause (i) or  
1781 (iv).

1782 "Personal interest in a contract" means a personal interest that a legislator has in a contract with a  
1783 governmental agency, whether due to his being a party to the contract or due to a personal interest in a  
1784 business that is a party to the contract.

1785 "Personal interest in a transaction" means a personal interest of a legislator in any matter considered  
1786 by the General Assembly. Such personal interest exists when an officer or employee or a member of his  
1787 immediate family has a personal interest in property or a business, or represents or provides services to  
1788 any individual or business and such property, business or represented or served individual or business (i)  
1789 is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or  
1790 detriment as a result of the action of the agency considering the transaction. A "personal interest in a  
1791 transaction" exists only if the legislator or member of his immediate family or an individual or business  
1792 represented or served by the legislator is affected in a way that is substantially different from the general  
1793 public or from persons comprising a profession, occupation, trade, business or other comparable and  
1794 generally recognizable class or group of which he or the individual or business he represents or serves is  
1795 a member.

1796 "Transaction" means any matter considered by the General Assembly, whether in a committee,  
1797 subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which  
1798 official action is taken or contemplated.

**§ 30-103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 30-111.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. A legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 ~~(i)~~ shall not solicit, accept, or receive within any calendar year *(i) any single tangible gift with a value in excess of \$250 \$100, (ii) any single intangible gift with a value in excess of \$250, or (iii) a combination of tangible gifts with an aggregate value in excess of \$250 \$100, or (iv) a combination of intangible gifts with an aggregate value in excess of 250* from any person ~~that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure form, other than relatives and personal friends. For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

C. A legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 *may accept a tangible or intangible gift, or a combination of tangible or intangible gifts, with a value in excess of the limit prescribed in subsections B, if:*

*1. The gifts are received while in attendance at a widely attended event. A widely attended event is an event for which there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals from throughout a particular industry or profession or who represent persons interested in a particular issue; or*

*2. The legislator or candidate has submitted a written request to and has received the written approval of the Commission pursuant to subdivision 1 of § 2.2-2544.*

*Gifts received pursuant to this subsection shall be disclosed on the form prescribed in § 30-111. For purposes of disclosure of a gift received pursuant to subdivision 1 of this subsection, a gift that is received by a guest invited by the legislator or candidate to attend to the widely attended event, whether or not such guest is accompanied by the legislator or candidate, shall be deemed a gift received by the legislator or candidate.*

D. The \$250 limitation imposed in accordance with this section shall be adjusted by the ~~Council~~ Commission every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

**§ 30-110. Disclosure.**

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the ~~Virginia Conflict of Interest and Ethics Advisory Council Commission~~ at least 30 days prior to the filing deadline. Members of the Senate and members of the House of Delegates shall file their disclosure forms with the ~~Virginia Conflict of Interest and Ethics Advisory Council Commission~~. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council Commission~~.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

1860     **§ 30-111. Disclosure form.**

1861     A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be  
1862 substantially as follows:

1863                     STATEMENT OF ECONOMIC INTERESTS.

1864     Name .....

1865     Office or position held or sought .....

1866     Address .....

1867     Names of members of immediate family .....

1868     **DEFINITIONS AND EXPLANATORY MATERIAL.**

1869     "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,  
1870 association, trust or foundation, or any other individual or entity carrying on a business or profession,  
1871 whether or not for profit.

1872     "Close financial association" means an association in which the filer shares significant financial  
1873 involvement with an individual and the filer would reasonably be expected to be aware of the  
1874 individual's business activities and would have access to the necessary records either directly or through  
1875 the individual. "Close financial association" does not mean an association based on (i) the receipt of  
1876 retirement benefits or deferred compensation from a business by which the legislator is no longer  
1877 employed, or (ii) the receipt of compensation for work performed by the legislator as an independent  
1878 contractor of a business that represents an entity before any state governmental agency when the  
1879 legislator has had no communications with the state governmental agency.

1880     "Contingent liability" means a liability that is not presently fixed or determined, but may become  
1881 fixed or determined in the future with the occurrence of some certain event.

1882     "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
1883 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and  
1884 meals, whether provided in-kind, *or* by purchase of a ticket, payment in advance or reimbursement after  
1885 the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other  
1886 admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any  
1887 athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private  
1888 school, institution of higher education, or other educational program pursuant to such school, institution,  
1889 or program's financial aid standards and procedures applicable to the general public; (iv) *unsolicited,*  
1890 *personally-inscribed awards of appreciation or recognition in the form of a plaque, trophy, wall*  
1891 *memento, or similar item that is given in recognition of public, civic, charitable, or professional service;*  
1892 (v) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.)  
1893 of Title 24.2; ~~(v)~~ (vi) any gift related to the private profession or occupation of an officer or employee  
1894 or of a member of his immediate family; or ~~(vi)~~ (vii) gifts from relatives or personal friends. "Relative"  
1895 means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged  
1896 to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the  
1897 donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or  
1898 has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of  
1899 Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business  
1900 who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person,  
1901 organization, or business" includes individuals who are officers, directors, or owners of or who have a  
1902 controlling ownership interest in such organization or business.

1903     "Immediate family" means (i) a spouse and (ii) any child ~~who resides~~, *whether or residing* in the  
1904 same household as the legislator ~~and~~, who is a dependent of the legislator.

1905     "Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal  
1906 services, consulting services, or public relations services, whether gratuitous or for compensation,  
1907 between a member or member-elect and any person who is, or has been within the prior calendar year,  
1908 registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent  
1909 ownership interest by a member or member-elect in a business that employs, or engages as an  
1910 independent contractor, any person who is, or has been within the prior calendar year, registered as a  
1911 lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a)  
1912 constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client  
1913 or other privilege for a third party, or (c) be required where a member or member-elect is employed or  
1914 engaged by a person and such person also employs or engages a person in a lobbyist relationship so  
1915 long as the member or member-elect has no financial interest in the lobbyist relationship.

1916     **TRUST.** If you or your immediate family, separately or together, are the only beneficiaries of a trust,  
1917 treat the trust's assets as if you own them directly. If you or your immediate family has a proportional  
1918 interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if  
1919 you and your immediate family have a one-third interest in a trust, complete your Statement as if you  
1920 own one-third of each of the trust's assets. If you or a member of your immediate family created a trust



and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past six months did you receive in your capacity as a legislator lodging, transportation, money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$100, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here //.

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7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO // OR check YES // and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial

1982 association (partners, associates or others) represent any businesses before any state governmental agency  
 1983 for which total compensation was received during the past six months in excess of \$1,000?

1984 EITHER check NO // OR check YES // and complete Schedule G-2.

1985 8C. Did you or persons with whom you have a close financial association furnish services to  
 1986 businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between  
 1987 persons with whom you have a close financial association and such businesses for which total  
 1988 compensation in excess of \$1,000 was received during the past six months? Services reported under this  
 1989 provision shall not include services involving the representation of businesses that are reported under  
 1990 question 8A or 8B above.

1991 EITHER check NO // OR check YES // and complete Schedule G-3.

1992 9. Real Estate.

1993 Do you or a member of your immediate family hold an interest, including a partnership interest,  
 1994 valued at more than \$5,000 in real property (other than your principal residence) for which you have not  
 1995 already listed the full address on Schedule F? Account for real estate held in trust.

1996 EITHER check NO // OR check YES // and complete Schedule H.

1997 10. Real Estate Contracts with State Governmental Agencies.

1998 Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real  
 1999 estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real  
 2000 estate is the subject of a contract, whether pending or completed within the past six months, with a state  
 2001 governmental agency?

2002 If the real estate contract provides for the leasing of the property to a state governmental agency, do  
 2003 you or a member of your immediate family hold an interest in the real estate, including a corporate,  
 2004 partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for  
 2005 all such contracts whether or not your interest is reported in Schedule F or H. This requirement to  
 2006 disclose an interest in a lease does not apply to an interest derived through an ownership interest in a  
 2007 business unless the ownership interest exceeds three percent of the total equity of the business.

2008 EITHER check NO // OR check YES // and complete Schedule I.

2009 11. Payments by the Commonwealth for Meetings.

2010 During the past six months did you receive lodging, transportation, money, or anything else of value  
 2011 with a combined value exceeding \$200 from the Commonwealth for a single meeting attended  
 2012 out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for  
 2013 meetings attended in the Commonwealth.

2014 EITHER check NO // OR check YES // and complete Schedule D-2.

2015 For Statements filed in ~~January~~ June 2016 and each two years thereafter, complete the following  
 2016 statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

2017 I certify that I completed ethics training as required by § 30-129.1. YES // or NO // .

2018 Statements of Economic Interests are open for public inspection.

2019 AFFIRMATION.

2020 In accordance with the rules of the house in which I serve, if I receive a request that this disclosure  
 2021 statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond  
 2022 promptly to the request. I understand that if a determination is made that the statement is insufficient, I  
 2023 will satisfy such request or be subjected to disciplinary action of my house.

2024 I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

2025 Signature \_\_\_\_\_ (Such signature shall be deemed to constitute a  
 2026 valid notarization and shall have the same effect as if performed by a notary public.)

2027 (Return only if needed to complete Statement.)

2028 SCHEDULES

2029 to

2030 STATEMENT OF ECONOMIC INTERESTS.

2031 NAME \_\_\_\_\_

2032 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

2033 Identify each business of which you or a member of your immediate family is a paid officer or paid  
 2034 director.

2035	_____		
2036	_____		
2037	Name of Business	Address of Business	Position Held and by Whom
2038	_____	_____	_____
2039	_____	_____	_____
2040	_____	_____	_____
2041	_____	_____	_____
2042	_____	_____	_____

RETURN TO ITEM 2

**SCHEDULE B - PERSONAL LIABILITIES.**

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one \$5,001 to \$50,000	Check one More than \$50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity or other brokerage companies		
Other businesses: (State principal business activity for each creditor and its name.)		
Individual creditors: (State principal business or occupation of each creditor and its name.)		

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one \$5,001 to \$50,000	Check one More than \$50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity or other brokerage companies		
Other businesses: (State principal business activity for each creditor and its name.)		
Individual creditors: (State principal business or occupation of each creditor and its name.)		

RETURN TO ITEM 3

INTRODUCED

SB1289



2159				Type of Payment
2160				(e.g., Travel
2161				reimbursement,
2162	Payer	Approximate Value	Circumstances	etc.)
2163				
2164				
2165				
2166				

**SCHEDULE E - GIFTS.**

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$100, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

2183					
2184	Name of	Name of Business,	City or	Exact	Approximate
2185	Recipient	Organization, or	County	Gift or	Value
2186		Individual	and State	Event	
2187					
2188					
2189					

RETURN TO ITEM 6

**SCHEDULE F-1 - BUSINESS INTERESTS.**

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

2202	Name of				
2203	Business				
2204	Corporation,				
2205	Partnership,	Nature of		Gross income	
2206	Farm;	Enterprise			
2207	Address of	(farming,	\$50,001	More	
2208	Rental	law, rental	to	than	
2209	Property	property, etc.)	\$250,000	\$250,000	
2210					
2211					
2212					
2213					

RETURN TO ITEM 8

**SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.**





2333	Beer, wine or						
2334	liquor companies						
2335	or distributors						
2336	Trade associations						
2337	Professional						
2338	associations						
2339	Associations of						
2340	public employees						
2341	or officials						
2342	Counties, cities						
2343	or towns						
2344	Labor organizations						
2345	Other						
2346							

RETURN TO ITEM 9

**SCHEDULE H - REAL ESTATE.**

2347 List real estate other than your principal residence in which you or a member of your immediate  
 2348 family holds an interest, including a partnership interest, option, easement, or land contract, valued at  
 2349 \$5,000 or more. Each parcel shall be listed individually.  
 2350  
 2351

2352			
2353			
2354		Describe the type of real	
2355		estate you own in each	
2356	List the location	location (business,	If the real estate is
2357	(state, and county	recreational, apartment,	owned or recorded in
2358	or city where you	commercial, open land,	a name other than your
2359	own real estate	etc.)	own, list that name
2360			
2361			
2362			
2363			
2364			
2365			

RETURN TO ITEM 10

**SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.**

2367 List all contracts, whether pending or completed within the past six months, with a state  
 2368 governmental agency for the sale or exchange of real estate in which you or a member of your  
 2369 immediate family holds an interest, including a corporate, partnership or trust interest, option, easement,  
 2370 or land contract, valued at more than \$10,000. List all contracts with a state governmental agency for  
 2371 the lease of real estate in which you or a member of your immediate family holds such an interest  
 2372 valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an  
 2373 interest derived through an ownership interest in a business unless the ownership interest exceeds three  
 2374 percent of the total equity of the business.  
 2375

2376			
2377			
2378	List your real		
2379	estate interest and		
2380	the person or entity,		
2381	including the type of		
2382	entity, which is		
2383	party to the contract.		
2384	Describe any		State the annual
2385	management role and	List each	income from the
2386	the percentage	governmental agency	contract, and the
2387	ownership interest	which is a party to	amount, if any, of
2388	you or your immediate	the contract and	income you or any
2389	family member has in	indicate the county	immediate family
2390	the real estate	or city where the	member derives
			annually from



or entity. real estate is located. the contract.

B. Any legislator who makes a knowing misstatement of a material fact on the Statement of Economic Interests shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. The Statement of Economic Interests of all members of each house shall be reviewed by the ~~Council~~ *Commission*. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

#### **§ 30-123. Knowing violation of chapter a misdemeanor.**

Any legislator who knowingly violates any of the provisions of Articles 2 through 5 (§§ 30-102 through 30-111) of this chapter shall be guilty of a Class 1 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act, or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter. There shall be no prosecution for a violation of § 30-108 or subsection C of § 30-110 unless the ~~house in which the member sits~~ *Commission* has referred the matter to the Attorney General as provided in ~~subdivision 4 of § 30-116~~ § 2.2-2545.

#### **§ 30-124. Advisory opinions.**

A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § 30-120, an opinion of the Attorney General as provided in § 30-122, or a formal opinion of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission* established pursuant to ~~§ 30-355~~ *as provided in § 2.2-2541*, and the opinion was made after his full disclosure of the facts.

#### **§ 30-127. Criminal prosecutions.**

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the ~~House or Senate Ethics Advisory Panel~~ *Commission*.

B. Nothing in this chapter shall limit or affect the application of other criminal statutes and penalties as provided in the Code of Virginia, including but not limited to bribery, embezzlement, perjury, conspiracy, fraud, and violations of the Campaign Finance Disclosure Act Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

#### **§ 30-129.1. Orientation sessions on ethics and conflicts of interests.**

The ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *Commission* shall conduct an orientation session (i) for new and returning General Assembly members preceding each even-numbered year regular session and (ii) for any new General Assembly member who is elected in a special election and whose term commences after the date of the orientation session provided for in clause (i) and at least six months before the date of the next such orientation session within three months of his election. Attendance at the full orientation session shall be mandatory for newly elected members. Attendance at a refresher session ~~lasting at least two hours~~ shall be mandatory for returning members and may be accomplished by online participation. There shall be no penalty for the failure of a member to attend the full or refresher orientation session, but the member must disclose his attendance pursuant to § 30-111.

**2. That §§ 30-112 through 30-119 and Chapter 56 (§§ 30-355 through 30-358) of Title 30 of the**

2452 Code of Virginia are repealed.

2453 3. That the initial appointments of nonlegislative citizen members to the Virginia Independent  
2454 Commission on Ethics shall be staggered as follows: one at-large member for a term of one year  
2455 and the former member of the House for a term of four years to be appointed by the Speaker of  
2456 the House of Delegates; one at-large member for a term of two years and the former member of  
2457 the Senate for a term of three years to be appointed by the Senate Committee on Rules; and the  
2458 former officer or employee of the executive branch for a term of three years, the former local  
2459 government officer or employee for a term of two years, one at-large citizen member for a term of  
2460 one year and one for a term of four years, and the former judge for a term of four years to be  
2461 appointed by the Governor.

2462 4. That the provisions of this act may result in a net increase in periods of imprisonment or  
2463 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0  
2464 for periods of imprisonment in state adult correctional facilities and cannot be determined for  
2465 periods of commitment to the custody of the Department of Juvenile Justice.